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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,576	02/01/2001	Seizo Miyazaki	Q62956	2515

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EXAMINER

SY, MARIANO ONG

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 10/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/774,576

Applicant(s)

MIYAZAKI, SEIZO

Examiner

Mariano Sy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 9, 13, 14 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8, 10-12, 15 and 17 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. Applicant's election without traverse of Specie D, figures 9A and 9B, claims 1-8, 10-12, 15, and 17 in Paper No. 7 is acknowledged. Claims 9, 13, 14, and 16 are non-elected claims.

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

3. The disclosure is objected to because of the following informalities:

Page 24, line 10 "side member 8" should be --side member 108--,

Page 34, line 17 "eighth eleventh" should be --eleventh embodiment--,

Page 34, line 19 "third sixth" should be --third embodiment--,

Page 43, Abstract, all numerals should be enclosed in parenthesis.

4. Claims 1, 8, and 10 are objected to because of the following informalities:

Claim <sup>2</sup>~~1~~, line 7 "aluminm film" should be --aluminum film--,

Claim 8, line 3 and claim 10, line 4 "boding force" should be --bonding force--.

Appropriate correction is required.

not by  
3/27/03

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5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: reference no. "17" on figures 5 and 8. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "16" and "19" are pointing to the same part in figures 5 and 8 have both been used to designate "core material". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-8, 10-12, 15, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 1 recites the limitation "the axial direction" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the axial direction" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the axial direction end surface" in line 13. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "said seal member" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "an axis mounted internally" in lines 3-4. It is unclear what applicant is referring to.

Claim 15 recites the limitation "the outer ring " in line 6. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

9. Claims 1, 8, 11, 15, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Katakura et al. (U.S. Patent Number 6,038,205).

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Re-claim 1 Katakura et al. discloses, as shown in fig. 1-2, a sealing member 11 adapted to a rolling bearing, wherein the rolling bearing comprises an inner ring, outer ring, and plurality of rolling elements rotatably disposed and defines a space, and wherein the space is formed between inner circumferential surface of outer ring and outer circumferential surface of inner ring, said sealing member comprising: a first portion substantially covering at least a part of the end part of the space, and a second portion being bonded and fixed to an axial direction end surface of one of inner and outer rings.

Re-claim 8 Katakura et al. discloses, as shown in fig. 1-2, wherein the second portion is pressed fit which can be readable as bonded and fixed to the axial direction end surface with a predetermined detachable bonding force.

Re-claim 11 Katakura et al. discloses, as shown in fig. 1-2, a rolling bearing comprising: an inner and outer ring; a plurality of rolling elements rotatably disposed and defines a space which has one end part opening in an axial direction and is formed between inner circumferential surface of outer ring and outer circumferential surface of inner ring, a sealing member 11 including a first portion covering at least a part of the end part opening of the space, and a second portion being bonded and fixed to an axial direction end surface of one of inner and outer rings.

Re-claims 15 and 17 Katakura et al. discloses, as shown in fig. 1-2, a bearing device comprising: an axis side member including a cylindrical part 1b with an inner ring 3 mounted externally, an outward flange part 1 disposed on one end side in the axial direction; a housing 4 including a ring part 4a with an outer ring mounted internally, and

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an outward flange part disposed on the other end part in the axial direction; a rolling bearing disposed between said axis side member and said housing and having outside surface covered by said outward flange part 1; a sheet 11 covering a gap between inner and outer ring and disposed externally on the other end side in the axial direction, the sheet being bonded on at least one of the outward flange part of the housing, the inner ring and the outer ring by a detachable bonding force; wherein the bonded portion of the sheet can be removable by heating.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2-4, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katakura et al. in view of Edwards et al. (U.S. Patent Number 5,270,887).

Re-claims 2, 10, and 12 Katakura et al. discloses, as shown in fig. 1, 2, 5, a sealing member 11 but failed to disclose wherein the sealing member comprise: a core layer, an aluminum film disposed on the core layer and an adhesive layer disposed on said aluminum film. Edwards et al. teaches the use of sealing tape 14 comprises: a core layer, an aluminum film disposed on the core layer and an adhesive layer disposed on said aluminum film, see col. 5, lines 21-24. It would have been obvious to one of

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ordinary skill in the art to have merely utilized the known sealing tape as sealing member of Katakura et al., in view of the teaching of Edwards et al., wherein both the sealing tape and sealing member have a common application of preventing any dust or particles from passing through on either side of the sealing member or tape.

Re-claims 3 and 4 Katakura et al. discloses, as shown in fig. 1, 2, 5, wherein the sealing member is substantially formed into a circular or annular shape.

12. Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wiblyi et al. (U.S. Patent Number 4,805,919) discloses a bearing seal.

Takahashi (U.S. Patent Number 5,132,856) discloses a motor spindle for hard disc device.

Micca et al. (U.S. Patent Number 5,383,728) discloses a sealing shield for bearings.

Shishido (U.S. Patent Number 5,434,730) discloses a spindle motor and recording medium assembly.

Uda et al. (U.S. Patent Number 5,452,156) discloses a spindle motor with pressure relief and adhesive carrying annular recesses.

MacLeod (U.S. Patent Number 6,204,996 B1) discloses a low profile spindle motor.



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Naito et al. (JP-6-14490) discloses a spindle motor.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariano Sy whose telephone number is 703-308-3427.


The examiner can normally be reached on Mon.-Fri. from 9:00 A.M. to 3:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder, can be reached on (703) 308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

*msy* M. Sy

October 3, 2002

  
JACK LAVINDER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600  
*10/6/02*